

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Sonia E Forcina aka Sonia E Mele

Debtor

and

Ronald Forcina Jr

Codebtor

Bayview Loan Servicing LLC, as servicer for The Bank of New York Mellon FKA the Bank of New York, as Trustee for the Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-46CB, Mortgage Pass-Through Certificates, Series 2005-46CB, or its Successor or Assignee

Movant

vs.

William C. Miller, Esq., Trustee  
Sonia E Forcina aka Sonia E Mele  
Ronald Forcina Jr

Respondents

Chapter 13

Bankruptcy No. 15-13133-MDC

**MOTION OF BAYVIEW LOAN SERVICING LLC, AS SERVICER FOR THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-46CB, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-46CB, OR ITS SUCCESSOR OR ASSIGNEE FOR RELIEF FROM AUTOMATIC STAY UNDER § 362(a)**

Movant: Bayview Loan Servicing LLC, as servicer for The Bank of New York Mellon FKA the Bank of New York, as Trustee for the Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-46CB, Mortgage Pass-Through Certificates, Series 2005-46CB, or its Successor or Assignee

Mortgage dated July 11, 2005 and recorded August 6, 2005 in the Office of the Recorder of Philadelphia County in Mortgage Instrument Number 51237083.

Assignment of Mortgage dated November 4, 2013 and recorded November 5, 2013 in the Office of the Recorder of Philadelphia County in Mortgage Instrument Number 52716021.

1. Bayview Loan Servicing LLC, as servicer for The Bank of New York Mellon FKA the Bank of New York, as Trustee for the Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-46CB, Mortgage Pass-Through Certificates, Series 2005-46CB, or its Successor or Assignee (hereinafter "Movant") holds a claim secured by a duly recorded Mortgage on property of Sonia E Forcina aka Sonia E Mele and Ronald Forcina Jr, or of the bankruptcy estate located at: 2649 S. 17th Street, Philadelphia, Pennsylvania 19145 (the "Property"). A true and correct copy of the Loan Documents is attached hereto as Exhibit A.

2. Sonia E Forcina aka Sonia E Mele (hereinafter "Debtor") filed a Petition under Chapter 13 on May 4, 2015.

3. Ronald Forcina Jr is liable on the debt described herein below and is a Codebtor (hereinafter "Codebtor") within the meaning of 11 U.S.C. Section 1301. Codebtor received consideration for the claim held by Movant.

4. As of January 18, 2018, the Mortgage requires payments each month of \$1,559.46.
5. Movant has not received regular mortgage payments and lacks adequate protection of its interests.
6. Debtor and Codebtor are in default of post petition payments to the present date from September, 2016.
7. As of January 18, 2018, Movant holds an approximate payoff at \$194,543.42.
8. The total amount of the post-petition arrearage as of this date is \$26,419.35. This figure is broken down as follows:  
  
Nine (9) delinquent payments of \$1,579.13 for the months of September, 2016 through May, 2017  
Eight (8) delinquent payments of \$1,559.46 for the months of June, 2017 through January, 2018  
Less suspense of \$268.50
9. Since January 18, 2018, Movant has incurred attorneys' fees in connection with this Motion.
10. Movant does not have and has not been offered adequate protection for its interest in said premises and may be required to pay expenses for said premises in order to preserve its lien, which is the obligation of the Debtor and Codebtor under said Mortgage.
11. Movant specifically requests permission from the Honorable Court to communicate with the Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

WHEREFORE, Movant prays for an order modifying the automatic stay of Bankruptcy Code §362(a) and 1301 to permit Movant to exercise applicable state court remedies with respect to the mortgage property and for such relief as this Court deems necessary and appropriate.

/s/ Alexandra T. Garcia

ANN E. SWARTZ, ESQUIRE, I.D. # 201926

CELINE P. DERKRIKORIAN, ESQUIRE - ID # 313673

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46CB, Mortgage Pass-Through Certificates, Series 2005-46CB

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